

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION  
EASTERN

PATRICIA GALLOWAY

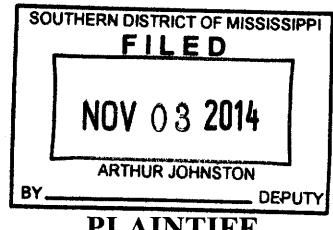
vs.

CIVIL ACTION NO.

*2:14cv179-KS-MTP*

COAST NATIONAL INSURANCE COMPANY  
AND UNKNOWN JOHN DOES AND JANE DOES  
A THROUGH Z

DEFENDANTS



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NOTICE OF REMOVAL

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PLEASE TAKE NOTICE that Defendant, Coast National Insurance Company (sometimes hereinafter referred to as "Defendant" or "Coast National"), by and through counsel, hereby gives notice of the removal of Cause No. 2014-0210M, filed in the Circuit Court of Marion County, Mississippi, from said court to the United States District Court for the Southern District of Mississippi, Hattiesburg Division. This Notice of Removal is filed pursuant to 28 U.S.C.A. § 1332, 28 U.S.C.A. § 1441, and 28 U.S.C.A. § 1446.

CIVIL ACTION REMOVED

1. On August 5, 2014, Plaintiff, Patricia Galloway ("Plaintiff"), initiated suit against Coast National for damages allegedly resulting, *inter alia*, from: (1) Coast National's denial of a defense to a prior lawsuit brought against Plaintiff following an automobile accident that occurred on August 18, 2011, in Marion County, Mississippi; and (2) Coast National's denial of indemnity as it pertains to a judgment rendered against the Plaintiff in said prior lawsuit. On the other hand, Coast National's position is that the subject accident occurred while the Plaintiff's policy was not

effective; hence, there would be no duty to defend or to indemnify Plaintiff with regard to this accident.

2. The state court action is styled *Patricia Galloway v. Coast National Insurance Company and Unknown John Does and Jane Does A through Z* and is filed in the Circuit Court of Marion County, Mississippi, bearing Cause Number 2014-0210M. A copy of the Complaint is attached hereto and labeled **Exhibit “A.”**

3. Removal of this civil action is filed within thirty (30) days after receipt by Defendant of the initial pleading setting forth the claim for relief on which this action is based, pursuant to 28 U.S.C.A. § 1446.

4. Plaintiff's primary allegations in her Complaint involve claims of breach of the insurance contract, bad faith denial of insurance policy benefits and for punitive damages. In her *Ad Damnum*, Plaintiff makes a demand for compensatory damages totaling \$250,000, a demand that Coast National satisfy a prior judgment entered against her and a demand for punitive damages, as well as costs. *See* Complaint, *Ad Damnum*.

**AMOUNT IN CONTROVERSY EXCEEDS \$75,000**

5. It is facially apparent that the Complaint filed by Plaintiff seeks compensatory damages and other damages in excess of \$75,000, satisfying the minimum diversity jurisdictional limits. Therein, Plaintiff makes a specific demand for \$250,000, in addition to a separate demand for punitive damages and indemnification of a prior judgment entered against her. *See Id.*

6. The demand sought in the Complaint exceeds the minimum limits for diversity jurisdiction.

**COMPLETE DIVERSITY BETWEEN ALL PARTIES EXISTS**

7. According to the Complaint, Plaintiff is a resident citizen of Columbia, Marion County, Mississippi. *See* Complaint, ¶ 1. Further, the Complaint indicates that Coast National is a foreign insurer with its principal place of business in California. *See* Complaint, ¶ 2.

8. The claims asserted by the Plaintiff against Defendant are properly within federal court diversity jurisdiction, as complete diversity exists between the parties, and the amount in controversy exceeds \$75,000. *See* 28 U.S.C.A. §1332 and 28 U.S.C.A. §1441(b).

**COPIES OF STATE COURT PROCEEDINGS**

9. A true and correct copy of all papers on file in the Circuit Court of Marion County, Mississippi have been requested from the Office of the Circuit Clerk of Marion County. Defendant will electronically file those papers with the Court as soon as they are received.

**NOTICE TO THE STATE COURT**

10. Defendants will immediately file with the Circuit Court of Marion County, Mississippi, a true and correct copy of this Notice, thereby effecting removal of this action to this Court. As per 28 U.S.C. § 1446(d), no further proceedings shall be had in the Circuit Court of Marion County, Mississippi.

**WHEREFORE, PREMISES CONSIDERED**, Defendant, Coast National Insurance Company, respectfully prays that this Court will receive this Notice of Removal, and place this cause upon the docket of this Court.

**RESPECTFULLY SUBMITTED**, this the 31st day of October, 2014.

COAST NATIONAL INSURANCE COMPANY,  
DEFENDANT

By: 

JAMES R. MOORE, JR. (MSB #3445)  
MICHAEL C. GATLING (MSB #101530)  
ATTORNEYS FOR DEFENDANT

OF COUNSEL:

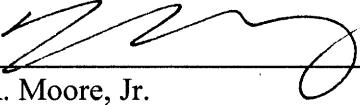
**COPELAND, COOK, TAYLOR AND BUSH, P.A.**  
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[mgatling@cctb.com](mailto:mgatling@cctb.com)

**CERTIFICATE OF SERVICE**

I, James R. Moore, Jr./Michael C. Gatling, do hereby certify that I have this day caused to be forwarded by United States mail, postage prepaid, a true and correct copy of the above and foregoing NOTICE OF REMOVAL to the following:

Charles E. Lawrence, Jr., Esq.  
Post Office Box 1624  
Hattiesburg, Mississippi 39403-1624  
ATTORNEY FOR THE PLAINTIFF

THIS, the 31st day of October, 2014.

  
James R. Moore, Jr.  
Michael C. Gatling